

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

ELI MISTOVICH, Jr.
Plaintiff

V.

**ELIZABETH BOWDEN, STEPHEN
URBAN, STEPHEN NEVERO and
ALISON LEATON,
Defendants**

CIVIL ACTION NO. 04-12340-EFH

JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Pursuant to the Court's Notice of Scheduling Conference and Local Rule 16.1(D), the parties hereby state as follows:

I. PROPOSED PRE-TRIAL SCHEDULE AND DISCOVERY PLAN

- A. Initial Disclosures Pursuant to Rule 26(a)(1), F.R.Civ.P. and Local Rule 26.2(A)
--January 18, 2005.
- B. Deadline to File Motion for Leave to File an Amended Pleading.
--April 18, 2005.
- C. End of First Phase Discovery (Service of Interrogatories, Requests for Production of Documents, Requests for Admission and Depositions).
--September 30, 2005
- D. Dispositive Motions.
--Filing of Dispositive Motions-October 31, 2005.
--Oppositions to Dispositive Motions-November 30, 2005.

E. Expert Disclosure

To save time and expense, and in light of the fact that the only potential experts in this case would pertain to economic damages and/or emotional distress damages, the Parties propose that expert discovery deadlines be set for a second phase of discovery, after the Court's ruling on summary judgment, as such discovery may not be necessary. The parties propose the following deadlines.

i. Expert witnesses on the issues of damages shall be designated and reports produced by Plaintiff by January 31, 2006, and Defendant shall designate expert witnesses and produce reports within 30 days thereafter as contemplated by Fed.R.Civ.P. 26(b)(4)(A)(1); designation of experts shall include provision of any information required by Federal Rules of Civil Procedure and/or Local Rules of the District of Massachusetts; any expert depositions shall be completed within 30 days of Defendants' expert designation.

F. Final Pre-Trial Conference – as scheduled by the Court.

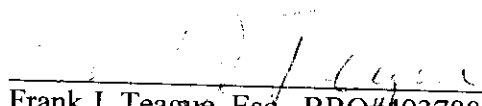
II. SIGNED CERTIFICATIONS UNDER LOCAL RULE 16.1

The Parties' Rule 16.1 Certifications will be filed separately.


III. TRIAL BY MAGISTRATE JUDGE

At this time, the parties do not consent to a trial by Magistrate Judge.

Plaintiff Eli Mistovich, Jr., by his attorney:


Frank J. Teague, Esq., BBO#493780
Frank J. Teague & Associates
One Liberty Square, 4th Floor
Boston, MA 02109
(617) 350-7700

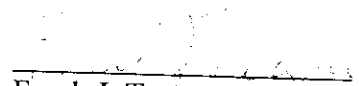
Defendants Elizabeth Bowden, Stephen Urban, and Stephen Nevero, by their attorney:


Laurie F. Rubin, Esq., BBO#564947
Prince, Lobel, Glovsky & Tye, LLP
585 Commercial Street
Boston, MA 02109
(617) 456-8000

Dated: 

CERTIFICATE OF SERVICE

I, Frank J. Teague, Esquire, attorney for the Plaintiff, hereby certify that I have served a copy of the attached pleading by first class mail, postage prepaid, to Laurie F. Rubin, Esquire, Attorney for Defendants Bowden, Urban and Nevero, on December 31, 2004.



Frank J. Teague